

McCalla Raymer Leibert Pierce, LLC
 420 Lexington Avenue Suite 840
 New York, NY 10170
 Charles H. Jeanfreau
 Telephone: 347-286-7409
 Email: Charles.jeanfreau@mccalla.com

Attorneys for Nationstar Mortgage, LLC, as Servicing Agent for Wells Fargo Bank, National Association as Trustee for Securitized Asset Backed Receivables LLC Trust 2005-FR-4 Mortgage Pass-Through Certificates, Series 2005-FR4

**UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF NEW YORK**

In re Michael Kramer a/k/a Michael B. Kramer, and Margaret E. Kramer a/k/a Margaret Cohen a/k/a Margaret Mills	Case No. 17-70741-reg Chapter 7
<p>R. Kenneth Barnard, as Chapter 7 Trustee of the Estates of Michael Kramer Kramer a/k/a Michael B. Kramer, and Margaret E. Kramer a/k/a Margaret Cohen a/k/a Margaret Mills,</p> <p>Plaintiff</p> <p>Versus</p> <p>Nationstar Mortgage, LLC, as Servicing Agent for Wells Fargo Bank, National Association as Trustee for Securitized Asset Backed Receivables LLC Trust 2005-FR-4, John Doe "1" through "100" and Other Joe Doe Entities "1" through "100"</p> <p>Defendants</p>	Adv. Proc. No. 18-08002-reg

**APPELLANT'S STATEMENT OF ISSUES TO BE PRESENTED AND
 DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of New York, Nationstar Mortgage, LLC, as Servicing Agent for Wells Fargo Bank, National Association as Trustee for Securitized Asset Backed Receivables LLC Trust 2005-FR-4 (“Appellant”) respectfully submits this statement of the issues to be presented and designation of the items to be included in the record on appeal with respect to the appeal from the November 27, 2019 Judgement and Order [Docket No. 55, filed and entered on November 27, 2019] before the United States District Court for the Eastern District of New York at Case No. 19-CV-06989-RRM.

STATEMENT OF ISSUES TO BE PRESENTED UPON APPEAL

1. Whether the Bankruptcy Court erred in finding that the statute of limitations on enforcement of the note executed by Michael B. Kramer and Margaret E. Kramer a/k/a Margaret Cohen a/k/a Margaret Mills in favor of Fremont Investment and Loan on March 11, 2005 (the “2005 Note”) began to run on September 7, 2006.
2. Whether the Bankruptcy Court erred in finding that Wells Fargo had standing to commence a foreclosure action against the Debtors in The Supreme Court of the State of New York, Suffolk County on October 16, 2006 (the “2006 Foreclosure Action”).
3. Whether the Bankruptcy Court erred in finding that the stipulation executed by Wells Fargo and the Debtors on October 2, 2012 (the “2012 Stipulation of Discontinuance”) revoked or otherwise nullified any prior acceleration of the 2005 Note.
4. Whether the Bankruptcy Court erred in determining that cases decided subsequently to *Federal Nat’l Mortg. Ass’n v. Mebane*, 618 N.Y.S.2d (2nd Dep’t 1994) could be considered in determining whether Wells Fargo had revoked any acceleration of the 2005 Note.

5. Whether the Bankruptcy Court erred in determining that the Debtor had not waived the right to assert a statute of limitations defense and that the Chapter 7 Trustee was entitled to assert that defense.

DESIGNATION OF RECORD ON APPEAL

Appellant designates the following items for inclusion in the record on appeal. Each designated item shall also include any and all exhibits and documents annexed to and referenced within such items.

1. All docket entries (currently ECF Docket Nos. 1- 66) maintained by the bankruptcy clerk in Adversary Proceeding No. 8-18-08002-reg.

Dated: December 23, 2019

McCalla Raymer Leibert Pierce, LLC

By: 

Charles H. Jeanfreau, Esq.

420 Lexington Avenue, Suite 840

New York, New York 10170

*Counsel for Nationstar Mortgage, LLC, as
Servicing Agent for Wells Fargo Bank,
National Association as Trustee for Securitized
Asset Backed Receivables LLC Trust 2005-FR-
4 Mortgage Pass-Through Certificates, Series
2005-FR4.*